



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/173502

PRELIMINARY RECITALS

Pursuant to a petition filed April 05, 2016, under Wis. Admin. Code § HA 3.03(1), to review a decision by the La Crosse County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on April 26, 2016, at La Crosse, Wisconsin.

The issue for determination is whether the agency erred in its denial of the petitioner's FS application.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

|

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED]

La Crosse County Department of Human Services
300 N. 4th Street
PO Box 4002
La Crosse, WI 54601

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of La Crosse County.
2. Petitioner applied for FS on 2/5/16 as a group of 5.
3. Petitioner provided income verification including wages for her husband from [REDACTED] with checks dated 1/22/16 (\$1,345.77), 2/5/16 (\$1,754.44), and an annual bonus paid on 11/30/15 in

the amount of \$4,598.71. The agency divided this by 26 to arrive at a per-paycheck bonus of \$176.87. The agency budgeted gross income for the group at \$3,720.42.

4. The agency calculated the group's allotment at zero dollars.
5. Petitioner appealed.

DISCUSSION

At hearing, the petitioner did not dispute the calculations of the agency or that the allotment was correctly determined to be zero dollars. In fact, she conceded the accuracy of the numbers. Petitioner's argument at hearing was only that the denial leaves her household in great hardship. Unfortunately, I have no power to overrule a decision by the agency if the decision is in accordance with the program rules. The denial is based on the income paid into the household.

CONCLUSIONS OF LAW

The agency did not err in its denial.

THEREFORE, it is

ORDERED

This matter is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 31st day of May, 2016

\sJohn P. Tedesco
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on May 31, 2016.

La Crosse County Department of Human Services
Division of Health Care Access and Accountability